



STATE OF NEW JERSEY

Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
www.bpu.state.nj.us

CABLE TELEVISION

IN THE MATTER OF THE PETITION OF CSC TKR,
INC. D/B/A CABLEVISION OF MORRIS FOR RENEWAL
OF A CERTIFICATE OF APPROVAL TO CONTINUE
TO OPERATE AND MAINTAIN A CABLE TELEVISION
SYSTEM IN THE BOROUGH OF NETCONG, COUNTY
OF MORRIS, STATE OF NEW JERSEY

RENEWAL
CERTIFICATE OF APPROVAL

DOCKET NO. CE02050288

Schenck, Price, Smith & King, Morristown, New Jersey, by James Eric Andrews, Esq., for the Petitioner.

Borough Clerk, Borough of Netcong, New Jersey, by Dolores Dalessandro, for the Borough.

BY THE BOARD¹:

On April 15, 1981, the Board granted Sammons Cable TV, Inc. ("Sammons") a Certificate of Approval in Docket No. 7912C-6612 for the construction, operation and maintenance of a cable television system for the Borough of Netcong ("Borough"). On October 13, 1992, the Board granted Sammons a Renewal Certificate of Approval for the Borough in Docket No. CE91091465. On February 28, 1996, in Docket No. CM95080400, the Board approved the transfer of the Certificate of Approval from Sammons to TKR Cable Company ("TKR"). On December 17, 1997, in Docket No. CF97090674, the Board approved the transfer of the Certificate of Approval for the Borough from TKR to CSC TKR d/b/a Cablevision of Morris ("Petitioner"). Although the Petitioner's Certificate expired on April 15, 2001, it is authorized to continue to provide cable service to the Borough pursuant to N.J.S.A. 48:5A-25.

The Petitioner filed an application for the renewal of its municipal consent with the Borough on August 31, 2000, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13. The Borough, after public hearing, adopted a municipal ordinance granting renewal consent on December 19, 2001. On March 7, 2002, the Petitioner formally accepted the terms and conditions of the ordinance, in accordance with N.J.S.A. 48:5A-24.

¹ Commissioner Carol J. Murphy did not participate in the deliberations or vote on this matter.

On May 10, 2002, pursuant to N.J.S.A. 48:5A-16, the Petitioner filed with the Board for a renewal of its Certificate of Approval for the Borough. The Board has reviewed the application for municipal consent, the petition for a Renewal Certificate of Approval and the municipal consent ordinance. Based upon this review and the recommendation of the Office of Cable Television, the Board HEREBY FINDS the following:

1. The Petitioner possesses the requisite legal, character, financial and technical qualifications for the awarding of a Renewal Certificate of Approval. Further, the Borough reviewed these qualifications in conjunction with the municipal consent process. See N.J.S.A. 48:5A-22 to 29 and N.J.A.C. 14:18-13.
2. The design and technical specifications of the system shall ensure that the Petitioner provides safe, adequate and proper service.
3. The Petitioner has represented that all previously required construction within the franchise territory is complete.
4. The franchise period as stated in the ordinance is eight years from the date of issuance of this Certificate with an automatic renewal provision for a term of eight years thereafter pursuant to N.J.S.A. 48:5A-19 and -25. The Board finds these periods to be of reasonable duration.
5. The Petitioner's rates shall be regulated and tariffs shall be filed for all services, in accordance with the rules and regulations of the Federal Communications Commission, the Board and the Office of Cable Television. The Petitioner shall maintain informational tariffs for unregulated service rates and promptly file any revisions thereto.
6. Pursuant to N.J.S.A. 48:5A-26(a), the ordinance specifies a complaint officer to receive and act upon complaints filed by subscribers in the Borough. In this case, it is the Office of the Borough Administrator. All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5.
7. The Petitioner shall maintain a local business office or agent for the purpose of receiving, investigating and resolving complaints. The current local office is located at The Wiz, Roxbury Mall, 275-110 Route 10, in Succasunna (Roxbury Township), New Jersey.
8. The franchise fee to be paid to the Borough is specified to be 2% of the Petitioner's gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception service in the Borough. Additional regulatory fees shall be paid to the State in an amount not to exceed 2% of Petitioner's gross operating revenues derived from intrastate operations. The Board finds these fees to be reasonable.
9. The Petitioner shall utilize the line extension policy attached to this Certificate as Appendix "I" with a homes per mile of 25.

10. The Petitioner shall provide public, educational and governmental ("PEG") access channels and facilities in accordance with its renewal application and the ordinance. Specifically, the Petitioner maintains one channel for community and governmental access programming, which is shared with its local origination channel and bulletin board, and one channel for educational access programming.
11. The Petitioner maintains a studio at its Randolph offices, which is available for PEG access usage. The Petitioner provides training workshops to instruct interested community members in the aspects of working the studio. The Petitioner's staff assists various community groups by producing programs and/or public service announcements.
12. The Petitioner shall provide the Borough with a capital contribution in the amount of \$6,000.00 to be applied toward the purchase of telecommunications related services from the Petitioner.
13. The Petitioner shall provide the standard installation and monthly basic service, free of charge, to all state accredited public schools, public libraries and municipal buildings designated for governmental use in the Borough.
14. When high-speed Internet access via cable modem becomes commercially available to residents in the Borough, the Petitioner shall provide, free of charge, one high-speed cable modem and monthly Internet access service, including standard installation, to all State accredited public schools and public libraries in the Borough.
15. When high-speed Internet access via cable modem becomes commercially available to residents in the Borough, and upon written request of the Borough, the Petitioner shall provide free of charge one high-speed cable modem and monthly Internet access service, including standard installation, to one municipal location in the Borough. The Borough shall be permitted to network up to three additional personal computer terminals in the designated building.
16. Upon 30 days' notice by the Borough, the Petitioner shall make available representatives for a biannual meeting with the Borough for the purpose of reviewing the Petitioner's performance. The Petitioner shall also make available representatives to meet with the Borough upon request for reasons other than the biannual meeting.

Based upon these findings, the Board HEREBY CONCLUDES, pursuant to N.J.S.A. 48:5A-17(a) and 28(c), that the Petitioner has sufficient financial and technical capacity and meets the legal, character and other qualifications necessary to construct, maintain and operate the necessary installations, lines and equipment and is capable of providing the proposed service in a safe, adequate and proper manner.

Therefore, the Petitioner is HEREBY ISSUED this Renewal Certificate of Approval as evidence of Petitioner's authority to construct and operate a cable television system within the entirety of the Borough.

This Renewal Certificate is subject to all applicable State and federal laws, the rules and regulations of the Office of Cable Television, and any such lawful terms, conditions and limitations as currently exist or may hereafter be attached to the exercise of the privileges granted herein.

The Petitioner shall adhere to the operating standards set forth by the Federal Communications Commission's rules and regulations, 47 C.F.R. Section 76.1 et seq. Any modifications to the provisions thereof shall be incorporated into this Certificate. Additionally and more specifically, the Petitioner shall adhere to the technical standards of 47 C.F.R. Part 76, Subpart K.

Failure to comply with all applicable laws, rules, regulations and orders of the Board or Office of Cable Television and/or the terms, conditions and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of this Certificate.

This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

This Certificate shall expire eight years from the date of its issuance.

DATED: September 5, 2002

BOARD OF PUBLIC UTILITIES
BY:

(signed)

JEANNE M. FOX
PRESIDENT

(signed)

FREDERICK F. BUTLER
COMMISSIONER

(signed)

CONNIE O. HUGHES
COMMISSIONER

ATTEST:

(signed)

KRISTI IZZO
SECRETARY